



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Provide direction regarding scheduling and type of action the Council may take at informal informational meetings referred to as "Shirtsleeve" City Council meetings.

**MEETING DATE:** August 2, 2006

**PREPARED BY:** City Manager

**RECOMMENDED ACTION:** Provide direction regarding scheduling and type of action the Council may take at informal informational meetings referred to as "Shirtsleeve" City Council meetings.

**BACKGROUND INFORMATION:** Recently, Councilmembers have asked to discuss the nature and rules governing the Tuesday morning informal, informational City Council meetings referred to as "Shirtsleeve" meetings.

Regularly scheduled informal Council meetings have been held for at least the past 30 years and possibly, much longer. An Ordinance authorizing weekly Tuesday 7:00 a.m. informal informational meetings was adopted on November 19, 1975 (LMC 2.04.020). According to the City Clerk's office, there is evidence that regularly scheduled informal meetings had been held prior to the adoption of the 1975 Ordinance. These meetings are commonly referred to as "Shirtsleeve" meetings. This name denotes a study session that allows the Council to study in depth specific issues (taking off one's jacket and rolling up the sleeves) in an informal setting. According to the Code, "no formal action shall be taken by the City Council at such meetings". Recently, discussion has arisen concerning what action, if any, the Council might take at shirtsleeve meetings.

To assist the Council in defining the issues, a series of questions are presented:

1. As a practical matter, can a legislative body realistically expect to conduct a Regular Meeting on a regular basis, where deliberation does not occur and/or direction is given?
2. Under present circumstances, does the Council collectively, or individually, believe that it does, or does not provide direction?
3. Does the City Manager believe that it has not received direction?
4. Does the public or the press believe that direction has not been provided?
5. If indeed the Council might provide direction, and/or the City Manager believes that direction has been provided, and/or the public believes that direction is being provided, should these regular meetings occur at 7:00 a.m.?

The Ralph M. Brown Act (Government Code Section 54950 and following) is the State law that ensures, with some exceptions, that all meetings of the local legislative body are open to the public. The Brown Act defines a meeting as "any congregation of a majority of the members of the legislative body in the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains."

APPROVED:   
Blair King, City Manager

According to the California Journalist's Legal Notebook, "a meeting may occur not only when there is no "action" taken, but even when the members' role is confined to hearing about a matter – when they are being briefed about it."

The Brown Act establishes three types of meetings: Regular, Special, and Emergency Meetings. The definition of a Regular Meeting is that it is on a fixed schedule at a fixed location that has formally been adopted by the agency. The Tuesday 7:00 a.m. informal informational meeting is a Regular Meeting under the Brown Act. Generally, the rules for notice are higher for a Regular Meeting than a Special Meeting and a Special Meeting than an Emergency Meeting. Also, the right of the public to address the Council is different for each meeting.

Regular Meetings are required to post an agenda 72 hours in advance of the meeting, provide a brief general description of each item of business to be transacted or discussed, and provide the public the opportunity to directly address the legislative body on any item of interest to the public. With regard to the brief description, the Attorney General's guide says "the purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body."

The Brown Act makes the case that a Regular Meeting is a Regular Meeting is a Regular Meeting. It is not ambiguous. The Brown Act does not allow a Special Meeting to be substituted for a Regular Meeting to allow the Council to take action it could not have taken at a Regular Meeting. The Brown Act encourages public agencies to provide notice to allow individuals to attend meetings to monitor and participate on subjects important to them.

If Council concurs that as a practical matter it is not realistic to expect that the Council would conduct a Regular Meeting and not ask questions, expect answers, nor deliberate, then the Council is asked to consider whether or not Tuesday morning is the best time for a Shirtsleeve meeting. As an alternative, the Council could conduct Shirtsleeve meetings (limited to one or two agenda items) on the second and fourth Wednesdays of the month, from 5:30 p.m. to 7 p.m., prior to Planning Commission meetings.

Staff has contacted Comcast regarding broadcast of these meetings Wednesday night. Comcast has indicated due to staff limitations, they are unable to broadcast these meetings.

Staff is not recommending that the Council have "full" meetings every Wednesday. The City is not staffed to prepare agendas for a "full" meeting every week and staff is concerned with Shirtsleeve Sessions evolving into more extensive meetings (more than two agenda items). However, the second and the fourth Wednesdays of the month are attractive as alternative "Shirtsleeve dates" as they have a "built-in" adjournment deadline with Planning Commission meetings scheduled at 7:00.

In conclusion, it has been the consistent position of City staff that Council study sessions are important and worthwhile. However, the Council should reconcile the practical matter of whether or not the Council may want to deliberate on matters presented at a regularly scheduled study session and provide direction to the City Manager. Then, the Council should consider the time it might want to hold such regularly scheduled informational meetings in order to maximize public participation. If the City Council wishes to change the current structure of Shirtsleeve sessions, it will need to amend the Municipal Code.

**FISCAL IMPACT:** Not applicable

  
\_\_\_\_\_  
Blair King  
City Manager

**NOTE: The following blue sheet item was presented at the meeting of 7/5/06, at which this subject matter was subsequently pulled from the agenda.**

K-4

RECEIVED

July 4, 2006

2006 JUL -5 AM 10:47

Dear Council Members:

CITY CLERK  
CITY OF LODI

This is to set forth some concerns and thoughts with regard to the possible changing and/or deleting of the Tuesday morning Informational Meetings, known more commonly as Shirtsleeve Meetings. I would strongly encourage you to take a long, hard look at changing something that has worked successfully for over 30 years in our city. Think about why it was instituted in the first place and if that condition still exists today.

It's not clear through research why the hours of 7:00a.m. to 8:00a.m. were chosen but an educated guess might be that people work 9:00-5:00p.m. and this would provide the time needed to keep abreast of city business and still have an hour to get to work on time. Perhaps Tuesdays were chosen because most Mondays have been considered holidays on the national and state levels. Then, Wednesdays have been the Council Meetings on the first and third (sometimes fifth) of the month.

As the population ages, more people will be disinclined to or prohibited from getting out at night because of eyesight conditions that come from the aging process. They are restricted from driving during dark hours. Walking during the nighttime would be prohibitive. Then, it's difficult after late meetings to go home to bed and get a good night's sleep.

And, not just the older people have problems with the night meetings. It was overheard during the completion of a recent Shirtsleeve meeting when people there were encouraged to come to the Regular Meeting to speak on the subject matter, that they'd have to wait until 10:30p.m. to do it. It was said by a younger person to another of similar age.

It is difficult to work hard from 9:00-5:00p.m. and make any meeting and remain alert during that meeting. Families sacrifice a lot of time with each other to make many of the nightly meetings and appreciate alternate times for meetings which leave them that vital time to be with children having sports games after work.

It might be said that there is a lack of participation by the community during the early morning meetings. Part of the problem is that many are not aware that the public is welcome during these meetings. They are not encouraged nearly as often to attend these meetings to find out what is going on in the community.

X CC	HR
X CM	IS
X CA	LIB
CD	PR
EUD	PD
FIN	PW
FD	COM

I've been attending the Shirtsleeve Meetings for many years and consider them to be mini workshops. It has truly been a learning experience. Some do not come to the meetings because they go online for the information, but since I don't have a computer in my home this is the ideal format for me to keep up with what is going on in our city.

One last observation. The human mind needs time to take in information and assimilate that information, to mull it over, before making decisions. Often when decisions are made within a short time frame, incorrect decisions are made. It is better to have a period of time between the information gathering and the actual decision making process. Shirtsleeve has been a suitable solution to this situation.

Thank you so much for your consideration of this information. Hopefully, it will give you more information before changing something that has worked well for over 30 years.

In Christian love,

*Myrna L. Wetzel*